

Information Summary and Recommendations

Physical Therapist Assistants

November 3, 1992



Licensing and Certification

PHYSICAL THERAPIST ASSISTANTS

INFORMATION SUMMARY

November 3, 1992

BACKGROUND

Senate Bill 6263, introduced in the 1992 Legislature, would establish licensure of physical therapist assistants, as proposed by the Washington State Physical Therapy Association. Senator James West, Chair of the Senate Health and Long-Term Care Committee, requested that the Department of Health in cooperation with the Board of Health conduct a "sunrise" review. The review was conducted according to the criteria set forth in RCW 18.120.110. This document contains the Department of Health findings and recommendations and is being submitted prior to the December 15, 1992, deadline.

It is the legislature's intent to permit all qualified individuals to enter a health care profession. If there is an overwhelming need for the state to protect the public, then the state can restrict entry. Where such a need to restrict entry and protect the public exists, the regulation should be set at the least restrictive level consistent with protection of the public interest.

The Sunrise Act, RCW 18.120.010, states that a health care profession should be regulated only when:

- Unregulated practice can clearly harm or endanger the health, safety or welfare of the public and the potential for harm is easily recognizable and not remote or dependent upon tenuous argument;
- The public can reasonably benefit from an assurance of initial and continuing professional ability, and;
- The public cannot be protected by other more cost effective means.

There are three types of credentialing:

- Registration. A process by which the state maintains an official roster of names and addresses of the practitioners in a given profession. The roster contains the location, nature and operation of the health care activity practiced and, if required, a description of the service provided. A registrant is subject to the Uniform Disciplinary Act, Chapter 18.130 RCW. Registration is the least restrictive type of credentialing.

- Certification. A voluntary process by which the state grants recognition to an individual who has met certain qualifications. Non-certified persons may perform the same tasks, but may not use "certified" in the title. A certified person is subject to the Uniform Disciplinary Act, Chapter 18.130 RCW.
- Licensure. A method of regulation by which the state grants permission to engage in a health care profession only to persons who meet predetermined qualifications. Licensure protects the scope of practice and the title. A licensee is subject to the Uniform Disciplinary Act, Chapter 18.130 RCW. Licensure is the most restrictive type of credentialing.

OVERVIEW OF SUNRISE PROCEEDINGS

The Department of Health met with proponent representatives to discuss sunrise review information and data requirements during October 1992. Also, the Department requested information relating to sunrise reviews, regulatory standards, existing state law, and administrative rules from 49 states and the District of Columbia in order to assist in evaluating the proposal to regulate physical therapist assistants.

The Department contacted likely proponents and opponents in Washington State to review the proposal to regulate physical therapist assistants. Various agencies, associations, organizations and individuals provided clarifying information.

The Department of Health, Licensing and Certification, Office of Health Services Development established an ad hoc review committee, with the representatives participating in the public hearing held on September 3, 1992. All attendees were given the opportunity to express their views on the proposal and receive answers to their questions on the proposed regulations. Interested parties were given an additional ten days to submit final comments.

INFORMATION PROVIDED TO THE DEPARTMENT

Information provided to the Department on the proposal included an information notebook from the Washington State Physical Therapy Association containing generic job descriptions for physical therapist assistants, information regarding typical practice settings, justification for regulation as defined in the Department "Guidelines for Credentialing Health Professions in the State of Washington", and additional information relating to the proposal to regulate physical therapy assistants.

The State Board of Community and Technical Colleges provided information regarding physical therapist assistant training. In its review the Department considered written and verbal information

from the public hearing, and responses from various state regulatory and sunrise agencies including copies of statutes, sunrise reports, and other information on the status of the regulation of physical therapist assistants in those states. Department staff provided a briefing to the State Board of Health in conjunction with Board of Health staff, and final recommendations were presented to the Secretary of the Department of Health.

SUMMARY OF EVIDENCE AND FINDINGS

The Department's staff reviewed the information provided by interested parties using sunrise review criteria. This section summarizes the information provided by the proponents.

DEFINITION OF PROBLEM AND WHY REGULATION IS NECESSARY

The Need for Regulation:

The proponents indicate that the variety of duties performed and the variety of locations involved necessitates the availability of skilled and competent physical therapist assistants. Conversely, the utilization of unskilled or incompetent individuals to perform such duties could result in physical injury, delay in patient recovery, and increased health care costs.

The proponents indicate that a physical therapist assistant should know the limits of his or her capabilities and a knowledge of the circumstances under which a patient should be referred to a physical therapist. Currently, it is possible for physical therapist assistants to work under the supervision of persons other than licensed physical therapists who may not be specifically trained in physical therapy. There is no state regulation which prevents improperly or untrained persons from describing themselves as, or working with patients as, physical therapist assistants.

Consequently, physical therapist assistants are not subject to the Uniform Disciplinary Act. Disciplinary action taken against a physical therapist assistant could only be taken against the supervising physical therapist. The state could not prevent the physical therapist assistant who practiced improperly or inappropriately from continuing to work with patients.

The Physical Therapy Board serves to resolve physical therapist disciplinary issues. However, the resolution of problems with physical therapy assistants is limited to disciplinary actions against their supervising physical therapists because of the limitations of the Uniform Disciplinary Act regarding unregulated professions. In effect, the license of the physical therapist is in jeopardy if there is a complaint against the assistant working for the therapist since the Board does not have the authority to investigate or take action against physical therapist assistants,

only physical therapists.

Efforts to Address the Problem:

A Guide for Conduct for physical therapist assistants has been established by the American Physical Therapy Association (APTA) as an appendix to the APTA Code of Ethics.

Alternatives Considered:

- (1) Practice Settings. The regulation of practice settings would be impractical and logistically difficult since it would increase regulation on facilities like schools, hospitals, and long-term care facilities, which are examples of the practice settings of physical therapy assistants.
- (2) Employers. The regulation of employers would be inappropriate as disciplinary actions against physical therapist assistants could only be taken against physicians, chiropractors, health facilities, and other employers for the independent actions of their assistants (see above).

Benefit to the Public:

The proponents indicate that regulation of physical therapist assistants would provide several public benefits, including:

- (1) A reduction in cases of bodily injury and a reduction in inadequate or inappropriate treatment by unqualified personnel.
- (1) A reduction in health care costs through the use of physical therapist assistants to provide some patient services currently being provided by physical therapists.
- (2) Patient confidence that physical therapist assistants are properly trained and meet minimum entry level requirements.

The proponents suggest the regulatory body be an expanded Physical Therapy Board. This expansion would increase board membership from five to seven members, consisting of five physical therapists, one physical therapist assistant, and one public member. There would be provision for representation on the board, within the above membership, from different practice settings, physical therapy practice settings, geographic regions, and ethnic backgrounds.

Training and Education Requirements:

Proposed qualifications for physical therapist assistants include

successful completion of a board-approved program, or an equivalent program which meets the criteria established and approved by the board. Completion of application-specific forms, documentation of educational requirements, payment of fees, and good moral character are additionally proposed as qualifications. Clinical training would be a part of the educational requirements and the practice of clinical skills would be under the supervision of a licensed physical therapist. The APTA provides accreditation of physical therapist and physical therapy assistant schools through annual auditor visits and on-site visits every three years.

The proposal would prohibit the use of the physical therapist assistant title by any person not regulated as such. In addition, it provides for grandparenting persons meeting the educational requirements for physical therapist assistant, and for grandparenting persons practicing as physical therapist assistants on the effective date of regulation.

Reciprocity without an examination is provided for if the qualifications for physical therapist assistant in an individual's former state of practice are substantially equivalent to Washington state qualifications.

The proponent proposes that an applicant for licensure as a physical therapist assistant could qualify in one of two ways. In the first, the applicant must have graduated from an approved school of physical therapy within the preceeding twelve months. In the second, the applicant must be a Washington state resident of less than twelve months who has graduated from an approved school of physical therapy.

Proponents propose an third entry route into the profession, for students who have not graduated from an accredited program. "Equivalent education programs" would be required to meet criteria established and approved by the board. Department of Health staff note that, should regulation be implemented, a fourth entry route may be necessary for regulating applicants with education and training other than that described above. This may be accomplished through written clinical and technical exams and oral practical application exams.

If regulation were approved, the proponents suggest that a grace period of up to five years may be necessary to allow persons currently practicing as physical therapist assistants to challenge the proposed written and oral exams. This grace period may be necessary to avoid potential shortages of physical therapist assistants. The number of physical therapist assistants who do not meet the proposed minimum educational qualifications but would be eligible for regulation under the grandparent clause is currently unknown.

Renewal of registration/certification/license would be on an annual basis with payment of a fee. No re-examination would be required.

POTENTIAL HARM TO THE PUBLIC

The proponents suggest there would be no potential harm to the public as a result of the proposed regulation.

MAINTENANCE OF STANDARDS

The proponents indicate that the standards proposed are the minimum standards required to ensure safe and effective treatment of patients by physical therapist assistants. Quality assurance mechanisms regarding these minimum standards include:

- (1) The implementation of minimum standards for physical therapist assistant practitioners;
- (2) The APTA guide for the conduct of affiliate members, i.e., physical therapist assistants;
- (3) Guidelines for the accreditation of physical therapist assistant schools;
- (4) A peer review mechanism;
- (5) Professional standards outlined in the Physical Therapy Practice Act, RCW 18.74;
- (6) Review by the Washington Board of Physical Therapy.

In addition, a number of professional groups set standards for professional physical therapy practice. They include the American Physical Therapy Association, the Washington State Physical Therapy Association, and the Washington State Physical Therapy Association Physical Therapist Assistant Special Interest Group.

DESCRIPTION OF GROUP PROPOSED FOR REGULATION

The proponents proposal requests regulation of physical therapist assistants including requirements for title protection, minimum education standards, and examinations for minimum competency.

The proposal defines physical therapist assistant as a person under indirect supervision of a licensed physical therapist.

The proponents state that indirect supervision means that the supervising physical therapist will:

- (1) initially evaluate each patient;
- (2) interpret all referrals;
- (3) plan treatment programs and determine which elements of such programs can be delegated to physical therapist assistants;
- (4) provide periodic evaluation of the treatment and performance of the physical therapist assistant in relation to the patient;
- (5) perform discharge planning;
- (6) provide written or oral instructions to physical

therapist assistant for treatment of the patient, but is not required to be on the physical premises where treatment is provided.

COST OF REGULATION

The proponent estimates the cost of regulation for physical therapist assistants to be equivalent to the cost of regulation of physical therapists, or currently \$150. per person the first year, including the cost of examination, and \$75. per year thereafter for renewals.

FINDINGS AND RECOMMENDATIONS

- (1) The Department does not recommend regulation of physical therapist assistants for the following reasons:
 - (a) Proponents do not provide statistical or other evidence that potential for harm to the public exists which would be overcome by direct regulation. However, because of the skill levels needed by physical therapist assistants, the variety of their practice sites, and their current level of independent practice, some level of assurance of the competency of physical therapist assistants is necessary. WAC 246.915 currently provides that assurance by specifying:
 - (1) the indirect supervisory responsibilities of physical therapists in regard to physical therapist assistants;
 - (2) the level of education required of physical therapist assistants; and
 - (3) the accountability of physical therapists in regard to their supervised physical therapist assistants.
 - (b) Statistics regarding disciplinary activities within the profession are unavailable since physical therapist assistants are not currently regulated. There is minimal anecdotal evidence of disciplinary problems.
- (2) The Department recommends that the Physical Therapy Board consider evaluating alternative training and education programs, discussed under Training and Education Requirements, above.
 - (a) The review conducted by the Department for the purposes of this sunrise report indicates that a number of individuals have received military training as physical therapist assistants which appears to be the equivalent to that specified in WAC 246.915. However, because these military programs have not been certified as equivalent to the programs approved by the Physical Therapy Board,

former military physical therapist assistants with equivalent training are not allowed to work for physical therapists in Washington. The Physical Therapy Board should undertake an evaluation of this military training for the purpose of determining the equivalency of these programs.